

### **REMARKS**

Claims 1, 3-12, 14-18 and 20 are pending in the present Application.

Claims 1, 3, 4, 7-12, 14, 15, and 20 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,706,509 to Man-Hak Tso ("Tso") in view of U.S. Patent Application Publication No. 2001/0044805 by Multer et al. ("Multer").

Applicant has claimed a first change list identifier that provides an *identifier value* to the change list creator. This identifier value uniquely identifies the first change list that is made by the change list creator during the selected time period. This identifier value is communicated by a transmitter at a time apart from a communication of the change list.

Tso is directed to the synchronization of data between different applications and Applicant's attention has been directed to col. 5, lines 24-55 and Figs. 4a and 4b as disclosing a change list identifier and an identifier value. Applicant respectfully disagrees that such teaching is found in Tso. Tso teaches that a Change Detection Mechanism 302 takes inputs from two data sets, which Tso has labeled data set D0 and data set D1 at time T0, and which are subsequently modified at time T1 and labeled data sets D0' and D1'. See col. 1, lines 34-45. From these time-varying data sets, Change Detection Mechanism produces a Change List labeled CL0 for the data set D0 modified to D0' and a Change List labeled CL1 for the data set D1 modified to D1'. A Synchronization Mechanism 306 is fed D0', D1', CL0 and CL1 and outputs to a Change Existing Data 308 to produce synchronized data sets. See col. 5, lines 25-35. It is not clear from the June 24 Office Action which of Tso's disclosed elements are deemed equivalent to

Applicant's claimed elements. Nevertheless, Applicant is unable to find any element in Tso's disclosure that could be equivalent to an identifier value that uniquely identifies a change list and is communicated by a transmitter at a time apart from a communication of the change list. Applicant observes that the labels CL0 and CL1 are simply used in Tso's disclosure as handy labels for the lists and do not actually exist as values and are not transmitted or otherwise conveyed anywhere. Applicant does not understand the reference to the reference designator "320" in Fig. 4b. Tso's block 320 is "Change Detection takes data sets D0' and D0 and produces Change List 0 (CL0)"; this is unrelated to a "transmitter that communicates the first change list identifier at a time apart from a communication of the first change list..." as Applicant has claimed in, for example, claim 1.

Examiner has observed that Tso does not disclose a first change-list lock that prohibits any changes to the first change list created by the first change list creator and which is identified by the identifier, and has introduced Multer as providing disclosure of such element. Multer discloses a management server capable of placing a lock on the storage server so that no conflicting device engines may couple to the same data at the same time. See paragraph [0202]. Thus, both Multer device engines are locked out from accessing data but one Multer device engine is allowed to gain access. Applicant's claims state that Applicant's change-list lock prohibits any changes to the first change list pursuant to a synchronization session.

Thus, Tso and Multer taken alone or together in combination do not disclose all of the elements of Applicants' claimed invention, as explained above. Accordingly, the §103 rejection of independent claim 1 and independent claim 12 (which includes limitations similar to those of

claim 1) is not proper for the reason that a *prima facie* case of obviousness has not been presented, since all of the limitations of the claims have not been disclosed by the combination of references. Claims 1 and 12 are believed allowable and the claims dependent thereon, claims 3, 4, 7-11, 14, 15, and 20, are presumed allowable as dependent upon allowable independent claims.

Claims 5, 6, 16, and 17 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Tso in view of Multer and further in view of U.S. Patent Application Publication No. 2002/0116404 by Cha et al. Claims 5, 6, 16, and 17 are dependent upon presumed allowable independent claims and are, therefore, presumed allowable by virtue of this dependency.

In light of the foregoing, Applicant believes all of the pending claims to be allowable. Examiner is respectfully urged to withdraw the claims rejection, reconsider the present Application, and pass the present Application to allowance.

Respectfully submitted,

/ Robert H. Kelly /

---

Robert H. Kelly  
Registration No. 33,922

KELLY & KRAUSE, L. P.  
6600 LBJ Freeway, Suite 275  
Dallas, Texas 75240  
Telephone: (214) 446-6684  
Fax: (214) 446-6692